

REMARKS/ARGUMENTS

The Examiner is thanked for the Office Action mailed September 30, 2011. The status of the application is as follows:

- Claims 1-22 are pending, and claims 1, 3, 5-10, 12-18 have been amended;
- Claims 1, 3-10 and 12-17 are rejected under 35 U.S.C. 112, second paragraph; and
- Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simon (U.S. Pub. No. 2003/0176798) in view of Hosack (U.S. 6,496,111).

The rejections are discussed below.

The Rejection of Claims 1, 3-10 and 12-17 under 35 U.S.C. 112, Second Paragraph

Claims 1, 3-10 and 12-17 stand rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out what the applicant regards as the invention. It is respectfully requested that this rejection be withdrawn for at least the following reasons. Claims 1, 3-10 and 12-17 have been amended to cure the various indefiniteness issues raised by the Office. Accordingly, it is respectfully requested that this rejection be withdrawn.

The Rejection of Claims 1-22 under 35 U.S.C. 103(a)

Claims 1-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Simon in view of Hosack. This rejection should be withdrawn for at least the following reasons. The combination of Simon and Hosack does not establish a *prima facie* case of obviousness with respect to the subject claims.

The rationale to support a conclusion that the claim would have been obvious is that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed. *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398 (2007). MPEP §2143.

Amended independent **claim 1** recites an apparatus comprising a portable phone that *detects whether an answering device answers the first emergency call and makes a second emergency call by dialing a second phone number of a second phone of a second designated individual in response to detecting that the answering device answered the first emergency call.*

Amended independent **claims 6 and 12** recite a similar aspect. Then combination of Simon and Hosack do not disclose this claim aspect. More specifically, paragraphs [0054]-[0056] of Simon disclose making a phone call, but these paragraphs do not disclose detecting when an answering device answers the phone call and making a second phone call to a second individual in response thereto. Furthermore, column 5, lines 59-65, of Hosack discloses calling individual phone numbers instead of 911. However, calling one number instead of another number does not teach or suggest calling a number and then calling a second number based on the outcome of the first call. Accordingly, the combination of Simon and Hosack fails to disclose or suggest the subject claim aspect. Thus, this rejection should be withdrawn.

Amended independent **claim 15** recites that *the pre-recorded message includes video information of a patient experiencing the predefined abnormal condition*. Amended independent **claim 18** recites a similar aspect. The combination of Simon and Hosack do not disclose this claim aspect. Simon discloses playing a message at paragraph [0055], but is silent with regard to the message including video of the person. Moreover, Hosack discloses transmission of code words to emergency personnel at column 5, lines 1-6, but is silent with regard to the transmission of video information. Thus, the combination of Simon and Hosack does not disclose that *the pre-recorded message includes video information of a patient experiencing the predefined abnormal condition*, as claimed. Accordingly, this rejection should be withdrawn.

Claims 2-3, 5, 7-11, 13-14, 16-17, and 19-22 respectively depend from claims 1, 6, 12, 15, and 18, and inherit all of the respective features of claims 1, 6, 12, 15, and 18. Thus, claims 2-3, 5, 7-11, 13-14, 16-17, and 19-22 are patentable for at least the same reasons discussed above with respect to each independent claim, from which they depend, with each dependent claim containing further distinguishing patentable features. Accordingly, the rejections of dependent claims 2-3, 5, 7-11, 13-14, 16-17, and 19-22 should be withdrawn.

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Conclusion

In view of the foregoing, it is submitted that the claims distinguish patentably and non-obviously over the prior art of record. An early indication of allowability is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Anthony M. Del Zoppo', with a long horizontal flourish extending to the right.

Anthony M. Del Zoppo, Reg. No. 51,606
Driggs, Hogg, Daugherty & Del Zoppo Co., L.P.A.
38500 Chardon Road
Willoughby Hills, Ohio 44094
Phone: 1.440.391.5100
Fax: 1.440.391.5101

Direct all correspondence to:
Philips Intellectual Property & Standards
Customer Number 24737